

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JACOB MEEKS,

Petitioner,

v.

JENNIFER SACHSE,

Respondent.

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No. 4:11-CV-1861 CAS

MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s petition and amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Because “it plainly appears from the petition . . . that the petitioner is not entitled to relief,” the Court will dismiss the petitions. Rule 4 of the Rules Governing § 2254 Cases.

Before federal habeas relief can be granted, a person in state custody is required to exhaust available state remedies. 28 U.S.C. § 2254(b)(1). In this case, petitioner states that he filed a petition for writ of habeas corpus in state court but that the state court has not yet ruled the petition.¹ As a result, petitioner’s available state remedies are not exhausted, and the petitions shall be dismissed without prejudice.

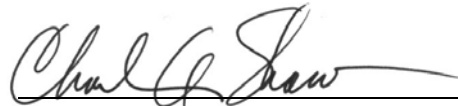
Accordingly,

IT IS HEREBY ORDERED that petitioner’s petition and amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 are **DISMISSED** without prejudice. [Docs. 1, 5]

¹A review of Missouri Case Net shows that petitioner currently has a petition for writ of habeas corpus pending in Missouri Circuit Court, Clay County. See Meeks v. State of Missouri, Case No. 11CY-CV-08768, found at <https://www.courts.mo.gov/casenet>.

IT IS FURTHER ORDERED that petitioner's motion for leave to proceed in forma pauperis is **GRANTED**. [Doc. 6]

IT IS FURTHER ORDERED that petitioner's motion to supplement his habeas petition is **DENIED** as moot. [Doc. 9]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 5th day of December, 2011.